

## **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks.

### **Claim Status**

Claims 1-20 are pending in this application. Claims 1-4, 6, 8 and 10-12 have been rejected and claims 5, 7, 9 and 13-20 have been objected to by the Examiner. Claims 1, 5 and 12 are herein amended. Claim 4 is herein canceled. Claims 21 and 22 are herein added. No new matter has been added by these amendments.

### **Rejections Under 35 U.S.C. § 112**

Claims 1 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In particular, claim 1 has been rejected because the Examiner is unsure of the difference between the “memory blocks” and the “data memory blocks”.

The Examiner is directed to FIG. 2 of Applicant’s disclosure, which illustrates an integrated circuit (IC) including, *inter alia*, memory blocks (e.g., MB1-MB4) and corresponding data memory blocks (e.g., DMB1-DMB4). As can be gleaned, the memory blocks and the data memory blocks are separate components of the IC. In addition, each of the memory blocks includes a plurality of sub-memory blocks (e.g., SMB1-SMBM), whereas each of the data memory blocks does not.

Reconsideration of this rejection is respectfully requested.

With regard to claim 12, the Examiner indicated that it is unclear “what must be the results of the recited ‘determinations’ in order to ‘perform a write operation and a read operation;’ therefore, claim 12 is considered indefinite.”

The Examiner also indicated that the limitation “the upper address of the read address” in claim 12 has insufficient antecedent basis.

Claim 12 has been amended to recite, *inter alia*, “determining if an upper address of the write address is the same as an the upper address of the read address when the write address and the read address have been input during the period of the clock signal” and “performing a write operation and a read operation during the period of the clock signal when the upper addresses of the write and read addresses are the same or when the upper addresses of the write and read addresses are not the same”.

Reconsideration of these rejections is respectfully requested.

#### **Double Patenting**

Claims 1 and 12 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 18 of co-pending U.S. Patent Application No. 10/811,613, commonly owned by the assignee of the instant application.

Based upon the provisional nature of this rejection, Applicants are not yet required to respond.

#### **Rejections Under 35 U.S.C. § 102/103**

Claims 1, 6, 8, 10 and 11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,480,927 (Bauman). Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauman in view of U.S. Patent No.

5,818,786 (Yoneda). Claims 4 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauman in view of U.S. Patent Application No. 20040085817 (Kim).

Since claim 1 has been amended to include the limitations of claim 4, Applicants will address the rejection of claim 4 with respect to claim 1.

With regard to the rejection of claim 4, Applicants note that the appropriate section 102(e) priority date of Kim is August 1, 2003 since the reference did not result or claim the benefit of an international application that designated the United States and was not published under PCT Article 21(2) in English. Instead, Kim claims priority to a Korean application, the filing date of which cannot be used for 102(e) purposes. See M.P.E.P. § 706.02(f)(1).

Applicants further note that the U.S. filing date of Kim (August 1, 2003) is after the claimed foreign priority date (April 15, 2003) of the present application. Thus, pursuant to sections 2136.03, 706.02(b) and 201.15 of the Manual of Patent Examining Procedure, M.P.E.P. §§ 2136.03, 706.02(b) and 201.15 (Rev. 2, May 2004), Kim may be precluded from being used as a ground for rejection if Applicants submit an appropriate English translation of Korean Patent Application No. 2003-23733 (the '733 application). Applicants submit herewith an English translation of the '733 application and a certified statement that the translation is accurate.

Therefore, Applicants submit that because the foreign priority date of the '733 application (April 15, 2003) is prior to the effective date of Kim (August 1, 2003), Kim cannot be used as a section 102 reference in an obviousness rejection under section 103(a). Accordingly, Applicants respectfully submit that claim 1 is not unpatentable over

Kim. As such, Applicants respectfully request that the Examiner withdraw the rejection of claim 4 as it now applies to claim 1 under 35 U.S.C. § 103(a).

Since claim 12 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauman in view of Kim, Applicants respectfully submit that claim 12 is not unpatentable over Kim for at least the reasons discussed above. As such, Applicants respectfully request that the Examiner withdraw the rejection of claim 12 under 35 U.S.C. § 103(a).

### **Allowable Subject Matter**

The Examiner objected to claims 13-20 as being dependent upon a rejected base claim, and indicated that claims 13-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reconsideration of the Examiner's objection to claims 13-20 is respectfully requested.

In response to the Examiner's objection, Applicants note the traversal (see above) of the Examiner's rejection of claim 12 under 35 U.S.C. § 103(a), which states that Kim can be eliminated as a prior art reference by perfecting the priority claim. Therefore, Applicants submit that Kim is not prior art and that claim 12 is allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to claims 13-20 which depend from claim 12.

### **New Claims 21 and 22**

Claim 21 has been written to include the limitations of original claims 1, 6 and 7. Claim 21 is believed to be allowable for at least the reasons stated in the Allowable Subject Matter section of the office action.

Claim 22 has been written to include the limitations of original claims 1, 8 and 9.

Claim 22 is believed to be allowable for at least the reasons stated in the Allowable Subject Matter section of the office action.

**Dependent Claims**

Applicants have not independently addressed the rejections of all the dependent claims because Applicants submit that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicants however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

**CONCLUSION**

Accordingly, Applicants submit that the claims as herein presented are allowable over the prior art of record, taken alone or in combination, and that the respective rejections be withdrawn. Applicants further submit that the application is hereby placed in condition for allowance which action is earnestly solicited.

Respectfully submitted,

By: 

Richard D. Ratchford Jr.

Reg. No. 53,865

Attorney for Applicant(s)

F. CHAU & ASSOCIATES, LLC  
130 Woodbury Rd.  
Woodbury, NY 11797  
Tel: (516) 692-8888  
FAX: (516) 692-8889